



September 20, 2002

Mr. Thomas Sugrue
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

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SEP 20 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Request for Expedited Relief for Phase 11-Enabled Handsets

Dear Mr. Sugrue:

Motorola, Inc. ("Motorola") hereby requests the Bureau to permit the continued shipment of certain enhanced 911 ("E-911") Phase II capable handsets with analog capability subject to Section 22.921 of the Commission's rules, 47 C.F.R. § 22.921.¹ Concurrent with this request, Motorola has submitted a request for approval of the 911 call processing plan that provides the background and basis for this relief. Motorola must have the ability to continue shipping the its new 120E and T720 handsets as of Monday, September 23, 2002, to ensure that customer Verizon Wireless's supply chains are fully stocked and prepared for the rollout of these products now in order to build momentum for the upcoming Holiday purchasing season. Expeditious action permitting Motorola to ship these handsets will greatly facilitate Verizon Wireless's ability to meet its Phase II E911 handset sale/activation benchmarks

Background. In its *Second Report and Order*, the Commission sought to improve the ability of analog cellular phones to complete wireless 911 calls successfully? To accomplish this result, the Commission adopted Section 22.921 that required analog cellular phones to

¹ Motorola has provided Verizon Wireless a copy of the instant filing and obtained confirmation of the relevant facts discussed herein. Verizon Wireless fully supports the instant request and urges expeditious action as well.

² See *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Second Report and Order*, 14 FCC Rcd 10954 (1994) ("*Second Report and Order*") at ¶ 1.

include a separate capability for processing 911 calls and approved three different procedures that would enable calls to be handled by either cellular carrier in an area, where necessary.’ Motorola, in meeting this Commission regulation, has employed the “Automatic A/B Roaming- Intelligent Retry (“IR”)” call process.

Under Automatic **A/B** Roaming, the handset overrides any “local” programming (such as subscriber programmed, preferred carrier only) and seeks a non-preferred carrier in the event the preferred carrier is unable to process the 9-1-1 call attempt. When **IR** is added, a 911 call is placed using alternate channels and systems until the call is successfully completed, if at all possible. Specifically, the handset overrides any features which prevent scanning of either the **A** side or the **B** side and default to **A/B**, **B/A**, depending on the handset’s preferred carrier setting. Initially, the handset **seeks** to complete the call with the preferred carrier. If the handset detects no decodable forward control channel signal from the preferred carrier, the handset then retries the call with the non-preferred carrier, as in the **A/B**, **B/A** mode. If the handset detects a forward control channel from the preferred carrier, it then attempts to complete the call with the preferred carrier. The number of attempted retries with the preferred carrier is limited to no more than three, and the length of time for each attempt would be limited to three seconds. Furthermore, the time limit established for attempting to set up a call with the preferred carrier is limited to no more than the Commission approved requirement of 17 seconds.⁴ If this initial call attempt via the preferred carrier should fail, the handset attempts to complete the call via the non-preferred carrier. **If** both call attempts fail, the handset continues to rescan and reattempt placing the call

³ See *Second Report and Order* at ¶2; 47 C.F.R. §22.921.

⁴ See *Second Report and Order* at ¶41.

with both the preferred and the non-preferred carrier, using the same algorithms, until the call is completed, the user terminates the call, or the handset loses power.

If a voice channel **is** established but *the* 911 call ~~terminates~~ for some reason other than the user ending the call or the base station releasing the call — for example, if the handset moves into a coverage gap or encounters some other transmission problem — the handset automatically reattempts the call using the same algorithm. Additionally, the user receives visual feedback (text messages) from the handset to indicate that this call set-up process is underway, also in accordance with Commission requirements.’

Heretofore, since February 13, 2000, with the exception of multimode TDMA handsets and analog telematics products for which Motorola received waivers,⁶ Motorola **has** implemented this call processing procedure for all of its handsets, operating in both the digital and analog mode.

Modified Call Processing. Since the implementation of enhanced 911 call processing procedures, Motorola has been aggressively pursuing the implementation of automatic location identification (“ALI”) enabled handsets for its CDMA, multimode handsets to supply U.S. wireless carriers. These location-enabled handsets have recently been completed and are utilizing assisted Global Positioning System (“A-GPS”) chip and system technology to perform location calculations. These phones have been tested extensively by Motorola and its first intended customer, Verizon Wireless, and through this testing process an issue arose concerning a particular Verizon Wireless specification. This specification required that if an emergency call is currently in progress and is then terminated (ended) by the user or the Network or the call is

⁵ *Id.* at ¶¶ 33, 35, 39

⁶ *See 911 Call Processing Modes, WT Docket No. 99-328, Order, DA 00-324 (released February 18, 2000); 911 Call Processing Modes, WT Docket No. 99-328, Order, DA 00-1052 (released May 11, 2000).*

dropped due to signal related issues, the phone should (1) remain on the System that last served the call; (2) remain on the System that last served the call for a time period no less than 5 minutes after the termination of the 911 call (to allow the 911 PSAP to call back the mobile); (3) after the 5 minute time period, return to the normal operation of scanning for service; (4) during the 5 minute period, if the user changes the System Select, the phone should scan for that selection, even if there is not service; and (5) during the 5 minute period, if the user places a call to a number, other than 911 and/or the emergency numbers stored in memory, the phone shall resume normal operation of scanning for service using the system select and PRL.

While the *Second Report and Order* focused greatly on the initial call setup and scanning process, which is not implicated here, Verizon Wireless's specification for dropped calls varies from the Commission approved process for IR.⁷ Motorola and Verizon Wireless both believe that the differences in the treatment of dropped calls do not undermine the principles enumerated in the *Second Report and Order* and, indeed, further these principles.' As discussed in Motorola's separately filed request seeking formal approval of this 911 call processing mode, this 911 call completion method has the benefit of facilitating the PSAP's call back to the 911 caller. Motorola and Verizon Wireless also believe that by facilitating PSAP callback, problems associated with unintentional 911 calls – an issue of recent concern to both the Commission and PSAPs – are mitigated. Motorola notes further that under this method, a wireless subscriber may at any time after the call is dropped reinitiate a 911 call, thus restarting the Automatic A/B Roaming and 911 call completion processes. We understand that this method of call completion

⁷ See *Second Report and Order* at ¶¶ 35 ("IR should also offer another important improvement because the algorithm monitors the voice channel during the call. Thus, the handset would automatically and immediately seek to reinitiate the 911 call if it failed after initial setup.").

⁸ See *id.* at ¶¶ 28-29

has been implemented by other manufacturers and wireless carriers. As such, Motorola has, simultaneously with this request, submitted a request for Commission approval of the procedure.

Need for Expedited Treatment. The Commission has waived its rules to allow Verizon Wireless to implement handset-based Phase II location technology throughout its network, pursuant to which Verizon Wireless is subject to benchmark dates for deploying A-GPS capable handsets? Motorola is a major supplier of Verizon Wireless's handsets, but without Commission approval of the modified call processing mode, will be unable to continue to ship new A-GPS-capable handsets with this feature. The two handsets in question are important to Verizon Wireless meeting its handset deployment benchmarks. The 120E model is an entry level model that is expected to be purchased in large volumes. The T720 model is an enhanced, color screen model that will appeal to the higher end of the handset purchasing market. To ensure that these models are widely available to end users and to facilitate compliance with the benchmarks, Motorola and Verizon Wireless believe that these handsets must be in the Verizon Wireless marketing channels by Monday, September 23, 2002 – in advance of the pre-Christmas, fourth quarter market, beginning October 1, 2002. Motorola began shipping handsets to Verizon Wireless over the Labor Day weekend (September 5, 2002). Approximately 250,000 handsets designed to Verizon Wireless's specifications are already in the supply chain. At least some portion of these are in the hands of consumers, with the expectation that an additional 250,000 handsets per month would ship by December 31, 2002. If Verizon Wireless must await a Bureau decision, even for a few days, critical time may be lost prior to the most important sales quarter of the year.

⁹ See e.g., *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Order, FCC 01-299, 24 CR 1098, 2001 FCC LEXIS 5539 at ¶ 31 (rel. Oct. 12, 2002) ("Verizon Wireless Order").

Verizon Wireless has scheduled a national advertisement campaign to begin on the September **23,2002** date. If the Bureau is unable to grant relief by Monday, the availability of handsets to Verizon Wireless and its customers may not coincide with this national campaign, thus undermining the process of informing the public of the benefits of purchasing these new, advanced handsets. For this reason and others discussed herein, Verizon Wireless fully supports expeditious action on the instant request.

Motorola is committed to working with the Bureau to achieve approval of what we believe is an improved call processing procedure. In the interim, allowing the continued shipment and sale of these handsets is consistent with the Commission's public interest objectives in the **E-911** proceeding." In any event, if the Bureau does not approve the modified procedure proposed by Motorola after permitting shipping of these products to continue, Motorola will immediately cease additional shipments and work with Verizon Wireless to reprogram any handsets in inventory as well as any future handsets that are manufactured expeditiously.

¹⁰ See, e.g., *Verizon Wireless Order* ¶¶ 19-20 (discussing Verizon Wireless deployment deadlines); *Fourth Memorandum Opinion and Order*, 15 FCC Rcd. 17442, ¶¶ 24-35 (discussing modified handset deployment benchmarks).

Conclusion. In view of the above, Motorola **seeks** expedited approval from the Bureau to continue shipments of **the** T720 and 120E Phase II-enabled handsets. Without a grant of this relief, **the** availability and variety of affordable Phase 11-capable handsets to consumers will be undermined. Motorola strongly believes that **the** modified call processing plan best serves the public interest and should be approved by the Bureau. Motorola therefore **urges the** Bureau to grant authority to continue shipments of the 120E and T720 handsets no later ~~than~~ Monday, September 23, 2002.

Sincerely,

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